

## **RESOLUTION 21-2005**

**WHEREAS**, the 2005 Legislative session has passed new laws which may affect subdivision regulations for Jefferson County; and

**WHEREAS**, Senate Bill 116 has been passed and signed into law immediately; and

**WHEREAS**, Senate Bill 116 effects the procedure and time-frame for the subdivisions process,

**THEREFORE**, it is hereby resolved:

The Jefferson County Commission hereby adopts the following process and procedure out of Senate Bill 116 until the county subdivision regulations are amended;

### **REVIEW OF SUBDIVISION APPLICATION (76-3-604 MCA)**

**(1)(a)** Within five (5) working days of receipt of a subdivision application submitted in accordance with any deadlines established pursuant to MCA 76-3-504(3) and receipt of the review fee submitted as provided in 76-3-602, the reviewing agent or agency shall determine whether the application contains all of the listed materials as required by MCA 76-3-504(1)(a) and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of the reviewing agent's or agency's determination.

**(b)** If the reviewing agent or agency determines that elements are missing from the application, the reviewing agent or agency shall identify those elements in the notification.

**(2)(a)** Within fifteen (15) working days after the reviewing agent or agency notifies the subdivider or the subdivider's agent that the application contains all of the required elements as provided in subsection (1), the reviewing agent or agency shall determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for the review of the proposed subdivision under the provisions of this chapter and the

local regulations adopted pursuant to this chapter and shall notify the subdivider or, with the subdivider's written permission, the subdivider's agent of the reviewing agent's or agency's determination.

**(b)** If the reviewing agent or agency determines that information in the application is not sufficient to allow for review of the proposed subdivision, the reviewing agent or agency shall identify the insufficient information in its notification.

**(c)** A determination that an application contains sufficient information for review as provided in this subsection (2) does not ensure that the proposed subdivision will be approved or conditionally approved by the governing body and does not limit the ability of the reviewing agent or agency of the governing body to request additional information during the review process.

**(3)** The time limits provided in subsections (1) and (2) apply to each submittal of the application until:

**(a)** A determination is made that the application contains the required elements and sufficient information; and

**(b)** The subdivider or the subdivider's agent is notified.

**(4)** After the reviewing agent or agency has notified the subdivider or the subdivider's agent that an application contains sufficient information as provided in subsection (2), the governing body shall approve, conditionally approve, or deny the proposed subdivision within 60 working days based on its determination of whether the application conforms to the provisions of this chapter and to the local regulations adopted pursuant to this chapter, unless:

**(a)** The subdivider and the reviewing agent or agency agree to an extension or suspension of the review period, not to exceed 1 year; or

(b) A subsequent public hearing is scheduled and held.

(5) If the governing body denies or conditionally approves the proposed subdivision, it shall send the subdivider a letter with the appropriate signature that complies with the provisions of 76-3-620.

Dated this 29<sup>th</sup> day of June, 2005.

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CHAIR

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COMMISSIONER

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COMMISSIONER

Attest:

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Clerk & Recorder